

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Michael K. Jones,

Case No. 18-cv-2968 (WMW/ECW)

Plaintiff,

v.

**ORDER ADOPTING  
REPORT AND RECOMMENDATION**

Daniel Raden; Tom Roy, Commissioner of  
Corrections; and Joe Hagerty, Sheriff of  
Wright County,

Defendants.

---

Before the Court is the July 24, 2019 Report and Recommendation (R&R) of United States Magistrate Judge Elizabeth Cowan Wright. (Dkt. 27.) The R&R recommends granting Defendants Daniel Raden, Tom Roy, and Paul Schnell's motion to dismiss Plaintiff Michael K. Jones's complaint brought under 42 U.S.C. § 1983.<sup>1</sup> Objections to the R&R have not been filed in the time period permitted.<sup>2</sup>

In the absence of timely objections, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b) advisory committee's note ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to

---

<sup>1</sup> Pursuant to Rule 25(d), Fed. R. Civ. P., Schnell is now the Commissioner of Corrections and was automatically substituted for Roy with regard to Jones's claims against Roy in his official capacity. Roy remains in this lawsuit in his individual capacity.

<sup>2</sup> The Clerk of Court mailed the R&R to Jones's last known address, and the United States Postal Service returned the mailing as undeliverable. Jones has not provided an alternative address. It is a plaintiff's responsibility to provide updated contact information to ensure the timely receipt of case-related communications. The Court declines to postpone its decision until Jones updates his contact information.

accept the recommendation.”); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having conducted a careful review, the Court finds no clear error as to the R&R’s conclusions that (i) Jones’s Section 1983 claims against Raden, Roy, and Schnell should be dismissed for lack of subject-matter jurisdiction and failure to state a claim upon which relief can be granted; (ii) Jones’s claims against Defendants Joe Hagerty and Sean Deringer<sup>3</sup> should be dismissed for failure to serve the complaint and summons on these defendants; and (iii) the Court should decline to exercise supplemental jurisdiction over Jones’s state-law claims.

Accordingly, the Court adopts the R&R.

### **ORDER**

Based on the R&R, the foregoing analysis and all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The July 24, 2019 R&R, (Dkt. 27), is **ADOPTED**.
2. Defendants Daniel Raden, Tom Roy, and Paul Schnell’s motion to dismiss, (Dkt. 18), is **GRANTED**.
3. Plaintiff Michael K. Jones’s amended complaint, (Dkt. 5), is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 13, 2019

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge

---

<sup>3</sup> Also pursuant to Rule 25(d), Fed. R. Civ. P., Deringer has been substituted for Hagerty, as the defendant Sheriff of Wright County, with respect to Jones’s claims against Hagerty in his official capacity. Hagerty remains a party in his individual capacity.